

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES HAYES,

Plaintiff,

v.

KERN COUNTY, et al.,

Defendants.

No. 1:19-cv-01722-BAK (BAM)

CHARLES HAYES,

Plaintiff,

v.

MARIO ROJAS, et al.,

Defendants.

No. 1:20-cv-01820-BAK (BAM)

(New Case No. 1:19-cv-01722-BAK (BAM))

AMENDED ORDER CONSOLIDATING
CASES

Pending before this Court is Stipulation to Consolidate Case. ECF No. 50. After reviewing the stipulation and the applicable law, this Court now rules.

The Court finds *Charles Hayes v. Rojas*, United States District Court, Eastern District of California, Case No. 1:20-cv-01820-BAK (BAM) and *Charles Hayes v. Kern County, et al.* United States District Court, Eastern District of California, Case No. 1:19-cv-01722-BAK (BAM) share common questions of law and fact. Furthermore, by consolidating these cases, the Court's efficiency will be increased, and the duplication of evidence and procedures will be avoided, as will prevent potential inconsistent adjudications.

Pursuant to Rule 42(a) of the Federal Rules of Civil Procedure, "[i]f actions before the

1 court involve a common question of law or fact, the court may: (1) join for hearing or trial any or
2 all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to
3 avoid unnecessary cost or delay.” In exercising its discretion, the court “weighs the saving of
4 time and effort consolidation would produce against any inconvenience, delay, or expense that it
5 would cause.” *Huene v. United States*, 743 F.2d 703, 704 (9th Cir. 1984).

6 Here, the court finds that the above-captioned actions involve the same or similar parties,
7 claims, and questions of fact or law, and that consolidation will avoid unnecessary costs and
8 duplication of proceedings. Thus, good cause exists to consolidate these cases.

9 Accordingly,

- 10 1. The above-referenced cases shall be consolidated for all purposes pursuant to Rule
11 42(a);
12 2. The Clerk of the Court is directed to file this order in each of the above-referenced
13 cases; and
14 3. Going forward, the parties and the Clerk of the Court are directed to file
15 documents under only the lead case number. Future captions should indicate the
16 lead case number followed by the member case numbers as follows:

17 **Lead Case: 1:19-cv-01722-BAK**

18 **Member Case: 1:20-cv-01820-BAK**

- 19 4. The scheduling order (Doc. 44) issued in member case *Charles Hayes v. Rojas, et*
20 *al.*, 1:20-cv-01820-BAK (BAM) will control the consolidated litigation.
21 5. Further, Plaintiff’s Motion to Consolidate (ECF No. 47) is withdrawn and the
22 hearing set for May 13, 2022 at 9:00 am is vacated. The May 17, 2022 status
23 conference remains on calendar.

24
25 IT IS SO ORDERED.

26 Dated: May 17, 2022

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE